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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके

Separate paging is given to this Part in order that it may be filed as a separate compilation

## RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 28th February, 1975:—

### I

BILL No. II OF 1975

*A Bill further to amend the Constitution of India.*

Be it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1975.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In the Seventh Schedule to the Constitution, entry 11 of the State List shall be omitted and after entry 25 of the Concurrent List, the following entry shall be inserted, namely:—

Amendment of the Seventh Schedule.

“25-A. Education including universities, subject to the provisions of entries 63, 64, 65 and 66 of List I.”

## STATEMENT OF OBJECTS AND REASONS

The workshop on "Higher Education" sponsored by the University Grants Commission and recently held at Chandigarh made a valuable suggestion that "Education" should be included in the Concurrent List as its inclusion in the State List has not conferred any benefits to the nation. University Education is a subject which cannot be dealt with by the States alone and the Union Government has also to play an effective role in bringing about co-ordination in the working of the various Universities and also in implementing the objects for which the University Grants Commission was set up.

Hence this Bill.

OM PRAKASH TYAGI.

## II

### BILL No. III OF 1975

#### *A Bill further to amend the Industrial Disputes Act, 1947.*

BE it enacted by Parliament in the Twenty-sixth year of the Republic of India as follows:—

1. This Act may be called the Industrial Disputes (Amendment) Act, 1975. Short title.

14 of 1947. 2. In section 25B of the Industrial Disputes Act, 1947 (hereinafter referred to as the principal Act), for paragraph (i) of sub-clause (a) of clause (2), the following shall be substituted, namely:— Amendment of Section 25B.

“(i) one hundred and ninety days in the case of a workman employed below ground in a mine or in any underground construction work; and”.

Amend-  
ment of  
section  
25F

3. In section 25F of the principal Act,—

(1) for the words “No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until” the words “No workman employed in an industry which is of a seasonal character or in an underground construction work, who has been in continuous service for not less than one hundred and twenty days and in other cases for not less than one year, under an employer shall be retrenched by that employer until” shall be substituted; and

(2) for clause (b), the following clause shall be substituted, namely:—

(b) the workmen—

(i) employed in an industry which is of a seasonal character or in an underground construction work, has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days average pay for every completed one hundred and twenty days of continuous service or any part thereof in excess of sixty days;

(ii) employed in any other industry have been paid at the time of retrenchment, compensation which shall be equivalent to fifteen days average pay for every completed year of continuous service or any part thereof in excess of six months; and

Amend-  
ment of  
section  
25FFA.

4. Paragraph (b) of the proviso to sub-section (1), of section 25FFA of the principal Act shall be omitted.

Amend-  
ment of  
section  
25FFF.

5. Sub-section (2) of section 25FFF of the principal Act shall be omitted.

## STATEMENT OF OBJECTS AND REASONS

In section 25B (2) (a)(i) of the Industrial Disputes Act, 1947 special provision is made for workmen employed below ground in a mine for the purpose of eligibility of retrenchment compensation under the Act. The word, "mine," however, has a statutory meaning and does not include underground construction work, though the same involves equal or similar physical hazards. Further, by the very nature of things, there are some types of construction work which are of seasonal nature and as such continue for a short period. For such seasonal construction and other workers 120 days work should qualify to get proportionate retrenchment compensation under the Act, as otherwise they will be denied the same for no fault of theirs. Hence section 25F of the Act has been amended accordingly.

In a developing economy, like ours construction work is the index of development and in our country all such developmental works of construction are undertaken by the Central or State Governments. In doing so, they engage invariably construction firms of repute and minor works are done departmentally. Like all business, these construction companies having for their business of construction of buildings, bridges, roads, canals, dams and the like, complete one and take up another in the meantime and as such stand on the same footing with any other business. At any event, the workmen, engaged in all such building activity, work at great personal risk and have a demand to social justice and protection of law, atleast to the same extent as other workmen engaged in other industries have. But paragraph (b) of the proviso to section 25FFA(1) and section 25 FFF(2) of the Industrial Disputes Act denies the same right and privilege to these construction workers. To remove this anomaly and discrimination the said provisions need to be deleted.

Hence the Bill.

D. L. SENGUPTA.

## III

## BILL No. L OF 1974

*A Bill further to amend the Constitution of India*

~~Be it enacted~~ by Parliament in the Twenty-fifth Year of the Republic of India as follows:

Short  
title and  
com-  
mence-  
ment.

1. (1) This Act may be called the Constitution (Amendment) Act, 1974.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amend-  
ment  
of  
Seventh  
Schedule.

2. In the Seventh Schedule to the Constitution, entries 19 and 20 of the State List shall be omitted and after entry 17 of the Concurrent List, the following entries shall be inserted, namely:—

"17A. Forests.

17B. Protection of wild animals and birds."

### STATEMENT OF OBJECTS AND REASONS

It has been noticed that States have failed to protect forests and wild life. As a matter of fact, Wild Life Protection Act, 1972, is not being properly implemented by the States. This is also borne out by the recommendations made by the National Wild Life Board. The desired result can be achieved if Parliament is empowered to legislate on matters concerning the Protection of Forests and Wild Life.

This bill seeks to transfer the subjects of Forests and Protection of Wild Animals and Birds from the State List to the Concurrent List in the Seventh Schedule of the Constitution in order to achieve the above object.

OM PRAKASH TYAGI.

## IV

## BILL No. I of 1975

*A Bill to amend the Dowry Prohibition Act, 1961*

BE it enacted by Parliament in the Twenty-sixth year of the Republic of India as follows:—

Short  
Title.

1. This Act may be called the Dowry Prohibition (Amendment) Act, 1975.

Substi-  
tution of  
new sec-  
tion for  
section 2.

2. For section 2 of the Dowry Prohibition Act, 1961 (hereinafter referred to as the principal act), the following section shall be substituted, namely:—

28 of 1961.

“2. In this Act, “dowry” means any property or valuable security given or agreed to be given either directly or indirectly—

(a) by one party to a marriage to the other party to the marriage; or

(b) by the parents or guardian of either party to a marriage or by any other person, to either party to the marriage or to any other person;

at or before or after the marriage or at any ceremony connected therewith, as consideration for the marriage of the said parties, but does not



include any sum, property or valuable security agreed to be given in the event of divorce ~~on dissolution~~ of marriage by one party to the other party.

*Explanation I.* Removal of doubts, it is hereby declared that any presents made at the time of a marriage or other ceremonies connected therewith to either party to the marriage in the form of cash, ornaments, clothes or other articles not exceeding rupees one thousand in value, and any property or valuable security not exceeding rupees two thousand in value—the rupee value being related to the price index with 1960 as the base year—given or agreed to be given by the said parties, shall not be deemed to be dowry within the meaning of this section, unless they are made as consideration for the marriage of the said parties.

*Explanation II:* The expression 'valuable security' has the same meaning as in section 30 of the Indian Penal Code."

45 of  
1860

3. For section 4 of the principal Act, the following section shall be substituted, namely:—

"4. If any person, after the commencement of this Act, demands directly or indirectly any dowry from the parents or guardian of either party to a marriage or from any other person, he shall be punishable with imprisonment for a term which shall not be less than three months but may extend to three years or with fine which shall not be less than two thousand rupees, but may extend to ten thousand rupees:

Substitution  
of new  
section  
for section 4.

Provided that no court shall take cognizance of any offence under this section except with the previous sanction of the *Panchayat* concerned or of such officer as the State Government may, by general or special order, specify in this behalf."

4. In section 7 of the principal Act, for clause (b) the following clause shall be substituted, namely:—

"(b) no court shall take cognizance of any such offence except on a complaint made within three years from the date of the offence."

Amendment of  
section 7.

## STATEMENT OF OBJECTS AND REASONS

The Dowry Prohibition Act was passed by Parliament in 1961 but the Act, it is seen from experience, has remained entirely ineffective. The evil of dowry is still rampant and almost goes unchecked. As a matter of fact, large amount of black money finds its way into dowry. It has become necessary to prohibit dowry effectively not only for its social implications but also for its economic ramifications.

It is, therefore, considered desirable that provisions of the Act are made more specific and clear and the 'gifts' that are permissible under the Dowry Prohibition Act are given a precise definition and limitations with a view to check anything and everything passing under the name of 'gifts' without attracting the provisions of the Dowry Prohibition Act. At the same time the amount of gift permissible under the law should be realistic enough to make it effectively enforceable. Since the value and purchasing power of the rupee is likely to vary from time to time, the limit placed by the law ought to relate to a definite price index.

The aggrieved party does not normally know how he should proceed and the principal Act leaves much to be done by way of subordinate legislation in different States for providing the mechanism for enforcement of this Act. A clear specification in the Act itself about the authority with whom the complaints can be lodged can solve the common-man's difficulties and this would be expedient if authority is available at the village level. For this purpose provision has been made for the previous section of the village Panchayat wherever there is one before a court could take cognizance of any offence under section 4.

Hence this Bill.

SMT. SUSHILA ADIVAREKAR.